

Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533)(Small Entity)

Docket No.  
650.0002CON

In Re Application Of: Michael O'Connor

Serial No.  
09/939,780

Filing Date  
August 28, 2001

Examiner

Group Art Unit  
1631

Invention: IMMUNOLOGICAL ASSAY FOR SPONGIFORM ENCEPHALOPATHIES

TO THE ASSISTANT COMMISSIONER FOR PATENTS:  
Box Missing Parts

This is a response to the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533) mailed on  
September 19, 2001 .

Date

Enclosed herewith for filing are the following:

- A copy of the Notice to File Missing Parts of Application - Filing Date Granted (PTO-1533). (REQUIRED)
- An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date.
- An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date.
- A verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the United States Patent and Trademark Office.
- \_\_\_\_\_ verified small entity declaration(s)
  - is/are attached.
  - was/were filed on \_\_\_\_\_
- A separate request for refund.
- Other (list):

**Response to File Missing Parts**

Preliminary Amendment, with Sequence Listing (paper copy)  
Substitute Specification (Int. Appl. No.: PCT/IE98/00007)

3/21/2002 HMAR211 00000050 09939780 720.00 UP  
04 FC:210  
3/21/2002 HMAR211 00000051 09939780 5.00 UP  
01 FC:998  
Adjustment date: 04/08/2002 YGIZAH  
03/21/2002 HMAR211 00000051 09939780 -5.00 UP  
01 FC:998  
P31SMALL/REV03

Response To Notice To File Missing Parts Of Application  
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650.0002CON

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09/939,780

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Group Art Unit  
1631

INVENTOR: IMMUNOLOGICAL ASSAY FOR SPONGIFORM ENCEPHALOPATHIES



TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Attention: Manager, Application Branch

Completion of application fees as calculated below:

<input checked="" type="checkbox"/> Utility application filing fee	\$370.00
<input type="checkbox"/> Design application filing fee	
<input checked="" type="checkbox"/> Total number of independent claims = 2	
<input checked="" type="checkbox"/> Total number of claims = 8	
<input checked="" type="checkbox"/> Multiple dependent claims	\$140.00
<input checked="" type="checkbox"/> Surcharge for late payment of filing fee and/or late filing of original declaration or oath	\$65.00
<input type="checkbox"/> Petition and fee for filing by other than all the inventors or a person not the inventor	
<input type="checkbox"/> Fee for processing an application filed with a non-English language specification	
<input type="checkbox"/> Fee for processing and retention of application	
Total completion of application fees	\$575.00

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the above-identified Notice to File Missing Parts of Application. The requested extension is as follows (check time period desired). If an additional time extension is required, please consider this a petition therefor.

One month       Two months       Three months       Four months       Five months

from: November 19, 2001      Date      until: March 19, 2002      Date

Total time extension fees \$720.00

Total fees due \$1,295.00

Response To Notice To File Missing Parts Of Application  
Filing Date Granted (PTO-1533) (Small Entity)

Docket No.  
650.0002CON

In Re Application Of: Michael O'Connor

Serial No.  
09/939,780

Filing Date  
August 28, 2001

Examiner

Group Art Unit  
1631

Invention: IMMUNOLOGICAL ASSAY FOR SPONGIFORM ENCEPHALOPATHIES



TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Attention: Manager, Application Branch

The fee of \$1,295.00 is to be paid as follows:

- A check in the amount of the fee is enclosed.
- The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.   
A duplicate copy of this sheet is enclosed.
- If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No.   
A duplicate copy of this sheet is enclosed.

  
Signature

Dated: 19 March 2002

William J. Bundren  
Reg. No.: 31,712  
CAHN & SAMUELS, LLP  
2000 P Street N.W.  
Suite 200  
Washington, DC 20036-6924  
(202) 331-8777  
(202) 331-3838

I certify that this document and fee is being deposited on [redacted] with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

*Signature of Person Mailing Correspondence*

*Typed or Printed Name of Person Mailing Correspondence*

CC:

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Application of

O'Connor, Michael

Serial No.: 09/939,780  
Filed: August 28, 2001

Examiner:  
Group Art Unit: 1631

For: Immunological Assay for Spongiform Encephalopathies

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants, through their undersigned attorney, respectfully request a four-month extension of time for responding to the Notice mailed September 19, 2001 in the above-identified patent application. The time for response is thus extended up to and including March 19, 2002.

**REMARKS**

The amendments set out above and the following remarks are believed responsive to the Notice to file Missing Parts mailed September 19, 2001.

**Missing Fees**

The attached check includes \$575.00 for the statutory filing fee, multiple dependent claim surcharge, and the late filing fee.

The attached check also includes \$720.00 for the four-month extension of time fee for a small entity.

**Substitute Specification**

The Notice requested a substitute specification because the original specification

could not be scanned. Please find attached a substitute specification, as requested, submitted under 37 C.F.R. 1.125(a). This substitute specification includes only subject matter from the original specification.

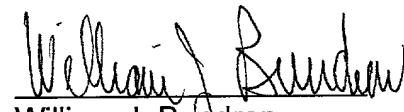
As an alternative, Applicant's attorney suggests that since the present application is a continuation application of 09/147,761 filed March 3, 1999, the Patent Office should have a scanned/properly stored version of the present specification under the parent application serial number.

The Notice also indicates that the drawings are unacceptable, but no drawings were filed in either this application or in the parent application. Therefore requiring a statement that the replacement pages contain no new matter is inappropriate.

#### Sequence Listing

The paper copy of the Sequence Listing in this application (Serial No. 09/939,780) is identical to the computer readable copy of the Sequence Listing filed in application Serial Number 09/147,761, filed March 3, 1999. In accordance with 37 CFR 1.821(e), please use the last-filed computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is included in a separately filed preliminary amendment for incorporation into the specification.

Respectfully submitted,

  
\_\_\_\_\_  
William J. Bundren  
PTO Reg. No. 31,712

March 19, 2002

576 Farmington Road, West  
Accokeek, MD 20607-9796

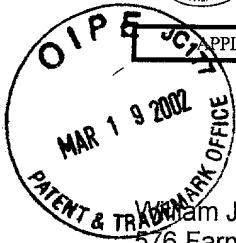
Telephone: 301-203-6300  
Facsimile: 301-203-9825



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/939,780	08/28/2001	Michael O'Connor	T50002.1US



William J. Bundren  
 576 Farmington Road, West  
 Accokeek, MD 20607-9796

CONFIRMATION NO. 3969

## FORMALITIES LETTER



\*OC000000006574359\*

Date Mailed: 09/19/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

### FILED UNDER 37 CFR 1.53(b)

#### *Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$135.
  - \$135 for multiple dependent claim surcharge.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 555.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:

**Adjustment date: 04/08/2002 YGIZAW** ■ The specification cannot be scanned or properly stored. Page(s)

03/21/2002 MMARZ11 00000050 09939780  
 02 FC:203

-135.00 OP

370.00 OP  
 125.00 OP  
 65.00 OP

Papers must be legibly written either by a typewriter or mechanical printer in permanent ink or its equivalent in portrait orientation on flexible, strong, smooth, non-shiny, durable, and white paper. Application papers must be presented in a form having sufficient clarity and contrast between the paper and the writing thereon to permit the direct reproduction of readily legible copies in any number by use of photographic, electrostatic, photo-offset, and microfilming processes and electronic reproduction by

04/08/2002 YGIZAW 00000009 09939780

01 FC:204

140.00 OP

03/21/2002 MMARZ11 00000050 09939780  
 01 FC:201  
 02 FC:203  
 03 FC:205

use of digital imaging and optical character recognition. Pages 1-24 are not in compliance with 37 CFR 1.52(a). *The drawings filed are unacceptable because:*

*Replacement page(s), together with a statement that the replacement page(s) contain no new matter, are required.*

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE